

REMARKS

The present response is intended to be fully responsive to all points of objection and rejection raised in the Office Action mailed June 23, 2010, and is believed to place the application in condition for prompt allowance. By this paper, claims 1, 4, 7, 9, 10, 22, 25, and 27 have been amended and claim 26 has been cancelled. Claim 25 now includes the contents of cancelled claim 26. Claim 22 now depends from claim 5. Therefore, upon entry of this amendment, claims 1-25 and 27 are pending in this application.

Claim Objections

In the Office Action, claims 10-12 and 15-17 are objected to as being in improper form. Claims 9-10 have been amended such that claims 10-12 and 15-17 are now in proper form. Accordingly, reconsideration of this objection is respectfully requested.

Claim Rejections §112

In the Office Action, claims 1 and 4 are rejected under 112 as being indefinite. In response, claims 1 and 4 have been amended to remove the indefinite language. Accordingly, reconsideration of this rejection is respectfully requested.

Claim Rejections §102

Currently amended claim 25 discloses a treatment system comprising a plurality of electrodialysis units arranged in stages to each receive a feed flow to be treated and a concentrate flow, wherein at least one stage includes one or more filled-cell electrodialysis (EDI) units, and the feed flow proceeds through the stages in an order opposite to that of the concentrate flow; wherein the treatment system is arranged to balance a characteristic of the feed and concentrate flows in the units.

In accordance with MPEP §2131 and recent decisions by the Court of Appeals for the Federal Circuit, to anticipate under §102, the reference must teach “all of the limitations

arranged or combined in the same way as recited in the claim". *Net MoneyIn Inc. v. Verisign Inc.*, 545 F.3d 1359 (Fed. Cir. 2008). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

In the Office Action, claim 25 is rejected under §102 as being anticipated by Mani, U.S. Patent 6,017,433.

Figures 8 and 9 in Mani show some process arrangements for producing de-ionized solutions from acidified salt solutions. More particularly, Fig. 8 of Mani shows two EDI cells 230, 232 coupled in series, having an incoming feed stream 234 of a sugar syrup, and an outgoing stream of de-ionized syrup 236. Suitable membranes e.g., 238, 240 separate the cells 230, 232, respectively. The membranes separate the feed streams into the desired feed F and waste W. The waste from cell 230 is sent to a nanofilter 242 via a pipe 244. At 243, the permeate of the waste is sent to a drain or a secondary use. The retenate is recycled to the dextrose isomerization step via pipe 248. The feed from the F side of cell 232 is sent to an ion exchange column 252 via pipe 255. Water is introduced into the waste side of cell 232 via a pipe 254 and forwarded to the waste side W of cell 230 via pipe 256 in order to obtain the concentrated waste. (Col. 19, Lines 38-55).

As can be seen, Mani fails to disclose a treatment system arranged to balance a characteristic of the feed and concentrate flows in the units, as is required by claim 25 of the current application. Therefore, the §102 rejection of claim 25 is not supported by Mani and should be withdrawn. Claim 1 contains similar limitations to those of claim 25 and is patentable for at least the same reasons. Accordingly, favorable consideration of both claims 1 and 25 is respectfully requested.

Further, claims 2-7 and 27, which depend from one of claims 1 or 25 are patentable for at least the same reasons.

Rejection under §103

Therefore, since claim 1 is in proper form for allowance, favorable consideration of dependent claims 8-9, 13-14, and 18-24, which depend in one way or another from claim 1, is respectfully requested.

Conclusion

In view of the remarks herein, Applicants submit that claims 1-25 and 27 are patentably distinguishable from the art applied, and prompt allowance of the application is respectfully requested.

The Examiner is invited to call the undersigned attorney if, during the course of reconsideration of this application, any question or comment should arise.

Respectfully submitted,
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